

Consideration of recommendations for preliminary adoption of amendments to IC 14-25-4 and 312 IAC 12 Governing Water Well Drillers and Pump Installers: Administrative Cause No. 13-080W

Proposed revisions to IC 14-25-4 and 312 IAC 12, that govern water well drillers and plumbing contractors and establish non-mandatory minimum construction standards, are presented to the Advisory Council for recommended approval during the June 2013 meeting. Revisions to the statute and rule are required in response to 2010 amendments to IC 25-39 and 312 IAC 13 that provide for the licensing of water well pump installers and the establishment of mandatory available drawdown requirements for water well pumping equipment.

IC 14-25-4 (Water Rights: Emergency Regulation) provides protection for the owner of a small capacity well against the impacts of a significant ground water withdrawal facility (greater than 100,000 gallons-per-day capacity) if the facility substantially lowers ground water levels resulting in the failure of the small capacity well. Rule 312 IAC 12 establishes minimum construction standards for small capacity water wells in order to be protected under IC 14-25-4. Construction standards set forth in 312 IAC 12 are not mandatory. However, a water well driller or plumbing contractor must advise a person for whom a water well is drilled or equipped of the provisions of IC 14-25-4 and 312 IAC 12.

2010 amendments to IC 25-39 and 312 IAC 13 require the licensing of water well pump installers, and also require water well drillers and pump installers to comply with the following minimum drawdown requirements for well and pump installation:

Unless otherwise approved by the department, a water well that is completed:

- (a) in an unconsolidated formation shall be equipped with a pumping apparatus that provides at least twenty (20) feet of available drawdown; and**
- (b) in a bedrock formation shall be equipped with a pumping apparatus that provides at least fifty (50) feet of available drawdown.**

Proposed amendments to IC 14-25-4 and 312 IAC 12 will provide consistency with the pump installer licensing and mandatory minimum construction standards set forth in IC 25-39 and 312 IAC 13. Amendments to IC 14-25-4 will require legislative action.

Amendments proposed by the Department's Division of Water for recommended approval by the Advisory Council are set forth below. Please note that new language is marked in **bold** and language to be deleted is marked with ~~strike through~~.

*Pump Installers Under IC 14-25
Administrative Cause No. 13-080W
April 23, 2013*

312 IAC 12-2-3 Article subject to standards applicable to water well drillers and water well pump installers

Authority: IC 14-25-4-13

Affected: IC 14-25-4; IC 25-39

Sec. 3. (a) The well construction requirements set forth in this article are in addition to the requirements of IC 25-39 and 312 IAC 13.

(b) IC 25-39 and 312 IAC 13 control if a provision of this article conflicts with IC 25-39 or 312 IAC 13. *(Natural Resources Commission; 312 IAC 12-2-3; filed Feb 9, 1999, 5:08 p.m.: 22 IR 1952; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1366; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed Jul 28, 2011, 10:29 a.m.: 20110824-IR-312110177RFA)*

312 IAC 12-2-4 Duty of water well drillers and water well pump installers to notify; water wells not conforming to this article

Authority: IC 14-10-2-4; IC 14-25-4-13; IC 14-25-4-17

Affected: IC 14-25-4; IC 25-39

Sec. 4. (a) **Before a ground water withdrawal facility that would not comply with IC 14-25-4 and this article is drilled or equipped**, a water well driller or a ~~plumbing contractor~~ **water well pump installer** must:

(1) advise a person, for whom a ground water withdrawal facility is drilled or equipped, of the provisions of IC 14-25-4 and this article ~~before the ground water withdrawal facility is drilled or equipped; and~~

(2) **obtain approval from the division for the installation of a water well or pumping equipment that does not comply with IC 14-25-4 and this article.**

(b) A person may authorize a water driller or a ~~plumbing contractor~~ **water well pump installer** to drill or equip a water well ~~in a manner that does not conform to this article if the water well is drilled or equipped in a manner which otherwise conforms to otherwise conform~~ to IC 25-39 and 312 IAC 13. A water well authorized under this ~~subsection~~ **section** is not unlawful, but the relief provided by IC 14-25-4 is unavailable to the owner of the well. *(Natural Resources Commission; 312 IAC 12-2-4; filed Feb 9, 1999, 5:08 p.m.: 22 IR 1952; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1367; readopted filed Aug 4, 2005, 6:00 p.m.: 28 IR 3661; readopted filed Jul 28, 2011, 10:29 a.m.: 20110824-IR-312110177RFA)*

IC 14-25-4-21

Nonsignificant ground water withdrawal facilities to comply with rules

Sec. 21. (a) An owner of a new nonsignificant ground water withdrawal facility who desires to receive the protection of this chapter must construct the facility to conform to the rules adopted under section 13 of this chapter.

(b) ~~Before a licensed water well drilling contractor or plumbing contractor~~ **driller or water well pump installer** drills and equips a ground water withdrawal facility for a person **that does not conform to the rules adopted under section 13 of this chapter**, the ~~contractor~~ **water well driller or water well pump installer** must:

(1) advise the person of the provisions of this ~~chapter~~ **section**; and

(2) obtain approval from the division for the installation of any water well or pumping equipment that does not conform to the rules adopted under section 13 of this chapter. *As added by P.L.1-1995, SEC.18.*